

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

February 4, 2002

D038464 Schaefer et al. v. Ludecke

The request for judicial notice of certain court documents is granted. The motion to dismiss Michael R. Schaefer as an appellant in this case is granted as Michael R. Schaefer has no standing having been dismissed as a party in the trial court.

D035518 Smith v. Minnesota Mining and Manufacturing Company

The petition for rehearing is denied.

**D037543 Citizens for Jobs and the Economy et al. v. County of Orange/El Toro Reuse
Planning Authority et al.**

It is ordered that the opinion filed January 4, 2002, is modified. There is no change in judgment. The petition for rehearing is denied.

D035967 Conservatorship of the Estate of Waters

The orders appealed from are affirmed. The Waterses are assessed \$15,000 sanctions for a frivolous appeal that violates the California Rules of Court, payable to Powell for Alicia's conservatorship estate. Powell is also awarded costs on appeal. Huffman, J.; We Concur: Benke, Acting P.J., McDonald, J.

D038353 In re Kimberly G., a Juvenile

The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Nares, J.

D039468 People v. Superior Court of Imperial County/Gomez

The petition is denied.

D038956 People v. Alba

D039248 People v. Alba

Appellant's unopposed motion to consolidate D039248 with D038956 is granted. All future documents shall be filed under D038956. Appellant's opening brief remains due February 22, 2002.

D036683 People v. Trevathan

The judgment is affirmed. McDonald, Acting P.J.; We Concur: McIntyre, J., McConnell, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

February 5, 2002

D039304 James C. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner James C. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D037359 In re Walter T., a Juvenile

The judgment is affirmed. McDonald, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D038608 Susag et al. v. City of Lake Forest et al.

The petition for rehearing is denied.

D037674 People v. Castellanos

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D038611 Gemini Aluminum Corporation v. California Custom Shapes, Inc.

The judgment and order are affirmed. The matter is remanded to the trial court for its determination of an award to CCS for attorney fees on appeal. CCS is awarded costs on appeal. CERTIFIED FOR PUBLICATION. McConnell, J.; We Concur: Nares, Acting P.J., Haller, J.

D038472 People v. Nelson

The judgment is affirmed, except that the sentence for count 2 is stayed under Penal Code section 654 and the presentence custody award is increased to show 387 days, which consists of 259 actual custody days and 128 conduct credit days. The trial court shall amend the abstract of judgment to reflect these modifications and furnish a copy to the Department of Corrections. McIntyre, J.; We Concur: Kremer, P.J., McDonald, J.

D037572 People v. Pinal

The judgment is affirmed. McDonald, J.; We Concur: Kremer, P.J., Haller, J.

D038021 In re Moises P., a Juvenile

Affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D037581 People v. Sarant

The judgment is affirmed but for the conviction of possessing methamphetamine. The conviction of possessing methamphetamine is reversed and the matter is remanded to the trial court with directions to modify the abstract of judgment and to forward a copy of the amended abstract of judgment to the Department of Corrections. Sarant need not be present for the modification. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

February 5, 2002 (Continued)

D037047 People v. Johnson

The judgment of conviction is affirmed. The matter is remanded for resentencing for the trial court to decide whether to exercise its discretion under Penal Code section 1385 with regard to the prior drug conviction enhancements under Health and Safety Code section 11370.2. McIntyre, J.;
We Concur: Haller, Acting P.J., McDonald, J.

D037738 People v. Kwiatkowski

The judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., McIntyre, J.

D038557 People v. Bynum

Judgment affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D039320 Chalets et al. v. Superior Court of San Diego County/Olson

The petition is denied.

D039284 Brooks v. Superior Court of San Diego County/Billington

The petition is denied.

D038176 In re Jeffrey M., a Juvenile

The order is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D039174 In re Demerson on Habeas Corpus

The petition is denied as incomplete.

D039455 In re Mora on Habeas Corpus

The petition is denied.

D036923 Kraffert v. Shea Homes et al.

It is ordered that the opinion filed on January 14, 2002 is modified. There is no change in judgment. The petition for rehearing is denied.

D037055 People v. Smith

The request for publication of the opinion is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

February 6, 2002

D039402 Morris v. Superior Court of San Diego County/Bullard et al.
The petition is denied.

D039281 Rice v. Superior Court County of San Diego/Butera
Let a writ issue directing the superior court to vacate its December 19 order requiring the in camera production and enter an order consistent with this opinion. The stay issued by this court on December 28, 2001, is vacated. Each party to bear his own costs. This opinion is made final immediately as to this court. Nares, J.; We Concur: Kremer, P.J., O'Rourke, J.

D038638 Adoption of Daniel P., a Minor
The order is affirmed. McConnell, J.; We Concur: McDonald, Acting P.J., McIntyre, J.

D039134 In re MacIVER on Habeas Corpus
The petition is denied.

D039448 In re Towner on Habeas Corpus
The application for bail pending appeal and for a stay of execution of judgment shall be treated as a petition for writ of habeas corpus and is denied.

D039407 Warner v. Superior Court of San Diego County/Losse et al.
The petition is denied.

D039137 In re Lugo on Habeas Corpus
The petition is denied.

D039458 In re Mora on Habeas Corpus
The petition is denied.

D039107 In re Vickers on Habeas Corpus
The petition is denied.

D039158 Southwest Construction Company et al. v. Workers' Compensation Appeals Board/Jiminez
The petition is denied.

D037883 Conservatorship of the Person of Christina Bunting
The request for publication is denied.

D039218 Janice C. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency
The attorney for petitioner Janice C. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Janice C. is dismissed.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

February 6, 2002 (Continued)

D035925 Syntron Bioresearch, Inc. v. Genix Biotek, Inc., et al./Pratt

It is ordered that the opinion filed on January 17, 2002 be modified. There is no change in judgment. The petition for rehearing is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

February 7, 2002

D035161 San Diego Unified Port District v. Douglas E. Barnhart et al.

The opinion filed January 11, 2002, is ordered certified for publication.

D038551 People v. Garrett

Upon filing an abandonment the appeal is dismissed.

D039486 Shanelle J. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The notice of intent to file writ petition and request for record, rule 39.1B, filed February 1, 2002 is dismissed as untimely.

D036108 People v. Smith

The petition for rehearing is denied.

D036636 People v. Passmore

The convictions for possession of methamphetamine (Counts 3 & 7) are reversed. The trial court is directed to prepare an amended abstract of judgment and forward it to the Department of Corrections. In all other respects, the judgment is affirmed. McDonnell, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D039272 Apex Wholesale Inc., et al. v. Superior Court of San Diego County/Fry's Electronics, Inc., et al.

The petition is denied.

D036368 Mittelman v. Testman

The order is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., McDonald, J.

D037098 Estate of Bedinger, Deceased.

Appeal dismissed. Benke, Acting P.J.; We Concur: Huffman, J., O'Rourke, J.

D039151 In re John H., a Minor

The appeal is dismissed because the order is not appealable.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

February 8, 2002

D035470 People v. Rosales
The petition for rehearing is denied.

D035274 Akers v. County of San Diego
Judgment affirmed. Ackers to recover costs on appeal. CERTIFIED FOR PUBLICATION.
Haller, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D037208 Uber v. Hoffman
The judgment is reversed insofar as it determines the two stock certificates for The Price Company stock are assets of the trust. In all other respects, the judgment is affirmed. The order denying the motion for a new trial is affirmed. The parties are to bear their own costs on appeal. McConnell, J.;
We Concur: McDonald, Acting P.J., McIntyre, J.

D035745 People v. Sambrano et al.
The judgment of convictions against Sambrano is reversed as to the ex-felon in possession of a firearm charge and the trial court is directed to strike the conviction on that count and to prepare and forward an amended abstract of judgment to the Department of Corrections. In all other respects, that judgment is affirmed. The judgment of convictions against Hernandez is affirmed in its entirety.
McIntyre, J.; We Concur: Nares, Acting P.J., McConnell, J.

D038328 Stephens v. Superior Court of San Diego County/Lawrence John Stephens Trust et al.
The petition for writ of mandate is denied. The stay ordered on July 19, 2001 is vacated. Gwen is awarded her costs in this writ proceeding. CERTIFIED FOR PUBLICATION.
McIntyre, J.; We Concur: Nares, Acting P.J., McConnell, J.

D038839 In re Joseph J., a Juvenile
The appeal is dismissed. Haller, J.; We Concur: Kremer, P.J., McIntyre, J.

D039276 Apex Wholesale, Inc. v. Fry's Electronics, Inc. et al.
The motion to dismiss is granted. The motion for sanctions is denied.

D037319 Waters et al. v. Powell
The order appealed from is affirmed. The motion for sanctions is denied. Powell is awarded costs on appeal. Huffman, J.; We Concur: Benke, Acting P.J., McDonald, J.

D039517 HNC Software, Inc. v. Superior Court of San Diego County/ieWild, Inc.
The petition is denied.

D035935 People v. Larson
The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.